

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

DUBLIN DIVISION

PLANTATION SEED CONDITIONERS,)
INC., et al.,)
)
Plaintiffs,)
)
v.) CV 314-138
)
FARMERS BEST FERTILIZER, INC., et al.,)
)
Defendants.)

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AGSOUTH GENETICS, LLC, et al.,)
)
Plaintiffs,)
)
v.) CV 314-124
)
)
FARMERS BEST FERTILIZER, INC., et al.,)
)
Defendants.)

ORDER

Before the Court are two discovery motions by Plaintiffs outlining a bevy of discovery mistakes, omissions, and delays by Defendants. (CV 314-124, doc. no. 31; CV 314-138, doc. no. 32.) While the time line of these events is long and disappointing, a significant mitigating factor is the January 2016 cancer diagnosis of Defendant Daniel R. Cooke and the ensuing treatment through May that thankfully resulted in his healing and a good prognosis. The Court wishes Mr. Cook well in his recovery and return to work.

In the present motions, Plaintiffs seek (1) extension of discovery for 120 days; (2) an order declaring that subpoenas issued by Plaintiffs for depositions on July 21, 2016, which had to be cancelled due to the discovery problems, are valid and enforceable for future, unspecified deposition dates; and (3) an award of fees and costs allegedly incurred by Plaintiffs as a result of Defendants' discovery problems, including fees and costs incurred to file the present motions and to prepare for the cancelled depositions.

Today, the Court conducted a phone conference concerning these motions. Counsel informed the Court of their resolution of all outstanding issues except Plaintiffs' request for fees and costs, which the parties are still discussing.

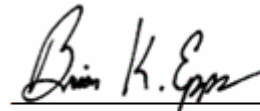
Pursuant to the agreement of counsel and for good cause shown, the Court **GRANTS** Plaintiffs' request to extend the discovery deadlines as follows:

LAST DAY FOR FILING MOTIONS TO AMEND OR ADD PARTIES	September 20, 2016
LAST DAY TO FURNISH EXPERT WITNESS REPORT BY PLAINTIFF	October 17, 2016
LAST DAY TO FURNISH EXPERT WITNESS REPORT BY DEFENDANT	November 16, 2016
CLOSE OF DISCOVERY	December 16, 2016
LAST DAY FOR FILING CIVIL MOTIONS INCLUDING <i>DAUBERT</i> MOTIONS, but EXCLUDING MOTIONS IN LIMINE	January 16, 2017

The Court **DENIES WITH THE RIGHT TO REFILE** Plaintiffs' request for attorney's fees and costs. Counsel must notify the Court whether they have resolved Plaintiffs' request on or before August 25, 2016, by e-mail to Rebecca_Cirillo@gas.uscourts.gov. In the event of no resolution, Plaintiffs shall refile its motion for fees and costs on or before September 8,

2016, making sure to include information by affidavit and billing exhibits sufficient for the Court to determine causation and reasonableness of the amount sought. Defendants may file a response brief on or before September 22, 2016.

SO ORDERED this 18th day of August, 2016, at Augusta, Georgia.

A handwritten signature in black ink, appearing to read "Brian K. Epps", is written over a horizontal line.

BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA